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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

19 SIDNEY SCHOLL and FELTON A.
20 SPEARS, JR., on behalf of themselves and
all others similarly situated,

21 Plaintiffs,

22 v.

23 WASHINGTON MUTUAL BANK, FA (aka)
WASHINGTON MUTUAL BANK); FIRST
24 AMERICAN EAPPRAISEIT, a Delaware
corporation; and LENDER'S SERVICE,
25 INC.,

26 Defendants.
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CASE NO.: 5:08-CV-00868 RMW

CLASS ACTION

PLAINTIFFS' UNOPPOSED MOTION FOR
ADMINISTRATIVE RELIEF REQUESTING
LEAVE TO FILE A SINGLE FORTY (40)
PAGE BRIEF IN OPPOSITION TO TWO
SEPARATE BRIEFS FILED BY
DEFENDANTS WASHINGTON MUTUAL,
INC. AND FIRST AMERICAN
EAPPRAISEIT

1 **I. ARGUMENT**

2 On May 2, 2008 Defendants Washington Mutual Bank, FA (“WMB”) and
3 First American Eappraiseit (“Eappraiseit”) filed Motions to Dismiss Plaintiffs’ First
4 Amended Complaint (“FAC”). Plaintiffs’ Opposition to the aforementioned motions
5 to dismiss must be filed on June 25, 2008.

6 The Motions to Dismiss filed by Defendants Eappraiseit and WMB, contain a
7 number of overlapping arguments such that it would be more efficient for Plaintiffs
8 to submit a single oversized brief of forty (40) pages.

9 On June 18, 2008, Plaintiffs’ counsel conferred with counsel for Defendants
10 regarding Plaintiffs’ intention to seek leave to file a single oversized brief.
11 Defendants agreed to this request.

12 “[D]uring the course of case proceedings a party may require a Court order
13 with respect to miscellaneous administrative matters, not otherwise governed by a
14 federal statute, Federal or local rule or standing order of the assigned judge. These
15 motions would include matters such as motions to exceed otherwise applicable page
16 limitations...” L.R. 7-11.

17 Local Rule 7-4 provides that an opposition brief may not be longer than twenty
18 five (25) pages in length. As both, EA and WMB, have each filed separate briefs,
19 under the Local Rules, Plaintiffs would be entitled to separately respond with two
20 twenty five (25) page briefs.

21 Although Plaintiffs are entitled to a total of fifty (50) pages, as a matter of
22 economy and efficiency, Plaintiffs seek to file a single brief of only forth (40) pages.

23 Defendants have stipulated to this request, which Plaintiffs now respectfully
24 request the Court to approve.

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1 **II. CONCLUSION**

2 For the foregoing reasons, Plaintiffs respectfully request that the Court grant
3 their Motion.

4
5 Dated: June 19, 2008

Janet Lindner Spielber
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On June 19, 2008, I served the document(s) described as:

**PLAINTIFFS' UNOPPOSED MOTION FOR ADMINISTRATIVE RELIEF REQUESTING
LEAVE TO FILE A SINGLE FORTY (40) PAGE BRIEF IN OPPOSITION TO TWO
SEPARATE BRIEFS FILED BY DEFENDANTS WASHINGTON MUTUAL, INC. AND
FIRST AMERICAN EAPPRAISEIT**

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

Kerry Ford Cunningham, Esq.
Patrick J. Smith, Esq.
THACHER PROFFITT & WOOD LLP
Two World Financial Center
New York, NY 10281

I served the above document(s) as follows:

BY MAIL. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in an affidavit.

I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on June 19, 2008, at Los Angeles, California 90025.

/S/ LEITZA MOLINAR
Leitza Molinar